



Appeal Decision

Site visit made on 25 February 2025 by E Street BSc (Hons) MSc

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th April 2025

Appeal Ref: APP/B0230/D/24/3357875

15 Rotherfield, Luton LU2 8RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Paul Smith against the decision of Luton Borough Council.
 - The application Ref is 24/01078/FUL.
 - The development proposed is the erection of a single storey side infill and first floor side/front extensions, partial garage conversion to habitable space and alterations to fenestration.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a single storey side infill and first floor side/front extensions, partial garage conversion to habitable space and alterations to fenestration at 15 Rotherfield, Luton LU2 8RX in accordance with the terms of the application, Ref 24/01078/FUL and subject to the following conditions.
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: L-02 Rev B and L-03 Rev B
 - 3) The external materials to be used in the construction of the development hereby permitted shall match those used in the existing dwelling.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters and Main Issue

3. A revised National Planning Policy Framework (the Framework) was published prior to the determination of this appeal. The substantive parts of the new version do not however differ from the previous insofar as they relate to the main issue. The cases of the main parties will not therefore be prejudiced by my reference to thereto.
4. The Council have raised no objections to the infill extension or partial conversion of the garage, and I have no reason to disagree. My recommendation therefore focusses on the first-floor side/front extension and specifically its effect on the character and appearance of the area.

Reasons for the Recommendation

5. The appeal site is a large detached dwelling which faces the entrance of Rotherfield. A previous permission was granted in 2024 for a development of the same description. The appeal scheme is very similar to the extant one besides the addition of the front facing first floor which would mirror the one on the existing dwelling. The surrounding dwellings are primarily unaltered with a noticeable uniformity to their design and materials along with at least one pitch roof gable. These features in combination contribute a pleasant consistency to the character and appearance of the area.
6. The appeal proposal would mirror the existing pitched first floor feature in scale and form and would not come any further forward than the existing building line. Whilst the first floor element would be larger than previously permitted, it would not be so significant in scale terms, even in combination with the size of the dwelling, and would be visually subservient through the use of a dropped ridge line. Moreover, it would not be seen as an unusual feature given the number of other pitched roof gable elements in the vicinity and would, as such, retain the area's consistency. The proposal would form a symmetry to the property; however, it would be clear that the dwelling is to remain as one singular unit by virtue of the retained singular doorway and vehicle parking.
7. The proposal would not therefore detrimentally change the building to result in unacceptable harm to the character and appearance of the area. Additionally, it would not be greatly different to what could already be built by virtue of the extant planning permission. Therefore, the proposal would comply Policies LLP1, LLP19, LLP25 and LLP32 of the Local Luton Plan 2017 (LLP) and Section 12 of the Framework, which together seek to ensure that development proposals are of a high-quality design and standard, amongst other things. Policy LLP31 of the LLP is strategic in nature and so has not been decisive in relation to the modest nature of the appeal scheme.

Conditions

8. The standard time limit condition and reference to the approved plans is necessary for enforcement purposes. It is also necessary to ensure that the materials used are to match the host dwelling to be in keeping therewith. The Council have suggested securing the dwelling as a C3 use and, specifically, a single-family unit. However, this is not reasonably related to the planning permission. This is the use of the current building, and the appeal proposal does not affect it. Any change of use, beyond that which would be permitted, would require a separate permission.

Conclusion and Recommendation

9. For the reasons set out above, the appeal scheme would comply with the development plan. I therefore recommend it be allowed, subject to the conditions set out.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, and planning permission is granted, subject to the conditions set out above.

John Morrison

INSPECTOR